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7 *Company*

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

11 ASHLEY WINN;

12 Plaintiff,

13 vs.

14 SHELTER MUTUAL INSURANCE
COMPANY; STATE FARM MUTUAL
15 AUTOMOBILE INSURANCE COMPANY;
and DOES I through X, and ROE Corporations
16 I through X, inclusive,

17 Defendants.

CASE NO.: 2:22-cv-1441-JCM-BNW

**DEFENDANT STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY'S MOTION FOR LEAVE TO
TAKE THE DEPOSITION OF ASHLEY
WINN, AN INCARCERATED PERSON**

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19 COMES NOW Defendant STATE FARM MUTUAL AUTOMOBILE INSURANCE
20 COMPANY ("Defendant" or "State Farm"), by and through its counsel of record, the law firm of
21 LEWIS BRISBOIS BISGAARD & SMITH LLP, and hereby move this honorable Court, pursuant
22 to Federal Rule of Civil Procedure 30(a)(2)(B), for leave to take the deposition of Plaintiff Ashley
23 Winn, Inmate # 1222634, currently incarcerated.

24 This motion is made based upon the pleadings and papers on file herein, the attached
25 Points and Authorities, in conjunction with other such evidence and further authorities as this
26 Court may require if a hearing is scheduled for this matter.

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POINTS AND AUTHORITIES

I. The deposition of Plaintiff Ashley Winn, Inmate #1222634, who is currently incarcerated at Florence McClure Women's Correctional Center, Las Vegas, Nevada, is necessary to the preparation of the defense in this matter.

Plaintiff has filed a Civil Complaint against the State Farm alleging that in the underlying civil action against her for damages caused during a traffic accident that resulted in a death, the insurance company failed to inform Plaintiff that all claims under her bodily injury policies of insurance could be settled for an additional contribution of \$20,000 from Plaintiff, that resulted in a substantial judgment against her.

Ashley Winn, Inmate #1222634, is currently incarcerated at the Florence McClure Women's Correctional Center. Federal Rule of Civil Procedure 30(a)(2)(B) provides that the deposition of a person confined in prison may only be taken by leave of court. Defendant submits that the testimony of Ashley Winn is necessary to the preparation of the defense in this matter and the only way her testimony can be preserved for trial is by taking her deposition.

II. Conclusion

Due to the vital nature of Ashley Winn's testimony in this matter, and pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), Defendant respectfully requests that this Court issue an Order permitting Plaintiff Ashley Winn's deposition to go forward at the place of his incarceration.

DATED this 29th day of March, 2023.

LEWIS BRISBOIS BISGAARD & SMITH LLP

ORDER

IT IS SO ORDERED

DATED: 8:56 am, March 31, 2023



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

By /s/ Jennifer A. Taylor

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State Farm Mutual Automobile Insurance Company.

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of Lewis Brisbois Bisgaard & Smith LLP, and that on this 29th day of March, 2023, I did cause a true copy of **DEFENDANT STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY'S MOTION FOR LEAVE TO TAKE THE DEPOSITION OF ASHLEY WINN, AN INCARCERATED PERSON** to be served via electronic service by the U.S. District Court CM/ECF system to the parties on the Electronic Filing System.

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By: /s/ Jeannette Versoza
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